
FOREWARD



The Clerk's Office for the United States District Court for the Southern District of California is pleased to provide our customers with this General Filing Procedures Manual. We will update the manual as rules change. We hope you will find it a valuable tool.

For those of you new to federal court, this manual is an effort to provide the public and attorneys with an informational package to assist in dealings with the court. We hope the following pages answer any questions you may have concerning such areas as preparation of documents, federal holidays, and the addresses of all departments of the court. We believe that this manual, when used in conjunction with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules for the Southern District of California, will not only be beneficial to those of you who may be familiar with the court, but also the paralegals, secretaries, and pro se litigants who have had little or no contact in the past with the federal court system.

This manual is intended only as a general guide. It does not take the place of the Federal Rules of Civil, Criminal or Appellate Procedure or the Local Rules of this court. It does not relieve litigants of the responsibility of complying with the court's Local Rules or Federal Rules of Procedure, or any other obligation imposed by the law.

My staff and I will work to ensure prompt efficient service. We are here to answer any questions that you may have. Please feel free to contact us for assistance.

W. Samuel Hamrick, Jr., Clerk of Court

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GENERAL INFORMATION ABOUT THE COURT

HOURS

The Clerk's Office is open to the public Monday through Friday from 8:30 a.m. until 4:30 p.m. Files can be reviewed from 8:30 a.m. until 4:30 p.m.

LOCATION

Mailing Address: Clerk of the Court
United States District Court
Southern District of California
880 Front Street, Suite 4290
San Diego, CA 92101-8900

Telephone Number: (619) 557-5600

For a map with directions to the courthouse, refer to Attachment A.

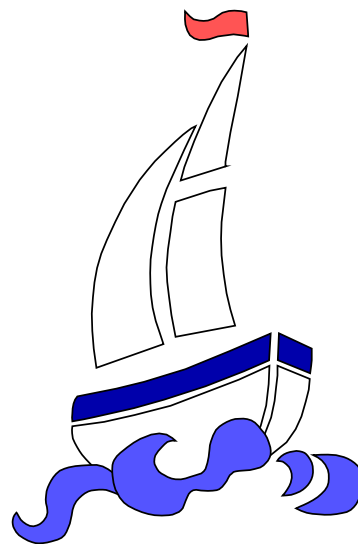
JURISDICTION

The Southern District of California is comprised of San Diego and Imperial Counties.
(Attachment B)

LEGAL HOLIDAYS

- New Year's Day - January 1
- Martin Luther King, Jr. Day - third Monday in January
- Presidents' Day - third Monday in February
- Cesar Chavez Day - March 31
- Memorial Day - last Monday in May
- Independence Day - July 4
- Labor Day - first Monday in September
- Columbus Day - second Monday in October
- Veterans' Day - November 11
- Thanksgiving Day - fourth Thursday in November
- The Day After Thanksgiving - Friday following Thanksgiving Day
- Christmas Day - December 25
- Any other day declared a holiday by federal statute, executive order, or by the Chief District Judge

Holidays that fall on Saturday will be observed the preceding Friday. Holidays that fall on Sunday will be observed the following Monday.

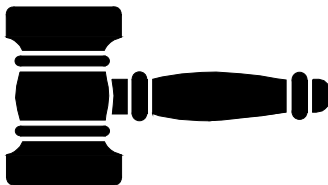


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COURT DIRECTORY

JUDGES

The Southern District of California has twelve district judges, nine magistrate judges and one magistrate judge who holds court in El Centro.



The mailing address for District and Magistrate Judges in San Diego is:

United States District Court

Attention: (Judge or Magistrate Judge name)

940 Front Street

San Diego, CA 92101

The mailing address for Magistrate Judge in El Centro is:

United States District Court

Southern District of California at El Centro

2003 W. Adams Avenue Ste. 220

El Centro, CA 92243

Except as otherwise provided by law, attorneys or parties to any action or proceeding shall not write letters to the judge, or otherwise communicate with the judge unless opposing counsel is present. All matters to be called to a judge's attention should be formally submitted via the Clerk's Office and sent to the opposing side (Civil Local Rule 83.9).

The mailing address for the Clerk's Office is:

Clerk of the Court

United States District Court

Southern District of California

880 Front Street, Suite 4290

San Diego, CA 92101-8900

Generally, each district or magistrate judge has a secretary and one or two law clerks (with the exception of the Chief Judge who has to an additional administrative position). Each judicial officer is also assigned a courtroom deputy, and a court reporter/recorder.

DISTRICT JUDGES IN ORDER OF SENIORITY Official Initials in Brackets	
Active Judges	
Chambers of: Chief Judge Irma E. Gonzalez [IEG] Courtroom 1, 4th Floor (619) 557-7107	Chambers of: Judge Barry Ted Moskowitz [BTM] Courtroom 15, 5th Floor (619) 557-5583
Chambers of: Judge Roger T. Benitez [BEN] Courtroom 3, 4 th Floor (619) 446-3589	Chambers of: Judge Jeffrey T. Miller [JM] Courtroom 6, 3rd Floor (619) 557-6627
Chambers of: Judge Marilyn L. Huff [H] Courtroom 13, 5th Floor (619) 557-6016	Chambers of: Judge Thomas J. Whelan [W] Courtroom 7, 3rd Floor (619) 557-6625
Chambers of: Judge Napoleon A. Jones Jr. [J] Courtroom 12, 2nd Floor (619) 557-2993	Chambers of: Judge M. James Lorenz [L] Courtroom 11, 2nd Floor (619) 557-7669
Chambers of: Judge Larry Alan Burns [LAB] Courtroom D, 1 st Floor (619) 557-5874	Chambers of: Judge Dana M. Sabraw [DMS] Courtroom 4, 4 th Floor (619) 557-6262
Chambers of: Judge William Q. Hayes [WQH] Courtroom 4, 4 th Floor (619) 557-6420	Chambers of: Judge John A. Houston [JAH] Courtroom 11, 2 nd Floor (619) 557-5716
Senior Judges	
Chambers of: Judge Howard B. Turrentine [T] Senior Judge's Suite, 5 th Floor (619) 557-6630	Chambers of: Judge Rudi M. Brewster [B] Courtroom 2, 4 th Floor (619) 557-6190
Chambers of: Judge Gordon Thompson, Jr. [GT] Courtroom 8, 3 rd Floor (619) 557-6480	Chambers of: Judge John S. Rhoades [R] Courtroom 5, 3 rd Floor (619) 557-5960

<p>Chambers of: Judge William B. Enright [E] Senior Judge's Suite, 5th Floor (619) 557-5537</p>	
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MAGISTRATE JUDGES IN ORDER OF SENIORITY Official Initials in Brackets	
Chambers of: Magistrate Judge Louisa S. Porter [POR] Courtroom H, 1 st Floor (619) 557-5383	Chambers of: Magistrate Judge Cathy Ann Bencivengo [CAB] Courtroom E, 1 st Floor (619) 557-7688
Chambers of: Magistrate Judge Leo S. Papas [LSP] Courtroom G, 1 st Floor (619) 557-6384	Chambers of: Magistrate Judge Nita L. Stormes [NLS] Courtroom F, 2 nd Floor (619) 557-5391
Chambers of: Magistrate Judge Ruben B. Brooks [RBB] Courtroom B, 1 st Floor (619) 557-3404	Chambers of: Magistrate Judge Anthony J. Battaglia [AJB] Courtroom A, 1 st Floor (619) 557-3446
Chambers of: Magistrate Judge Jan M. Adler [JMA] Courtroom D, 1 st Floor (619) 557-5585	Chambers of: Magistrate Judge Barbara L. Major [BLM] Suite 5140, 5 th Floor (619) 557-7372
Chambers of: Magistrate Judge William McCurine, Jr. [WMc] Courtroom C, 1 st Floor (619) 557-6624	Magistrate Judge sitting in El Centro: Magistrate Judge Peter C. Lewis [PCL] (760) 353-1271

COURT REPORTING

- Review the appropriate day's minutes in WebPACER or WebCHASER to determine the court reporter/recorder present. Contact each reporter/recorder directly or the Court Reporter/Recorder Coordinator.
- Electronic Court Recorder/Court Reporter Coordinator
(619) 557-7310
- Magistrate Judge & Senior Judge Transcripts
(619) 557-7310

INTERPRETING

- Supervising Interpreter and Access Coordinator for Communication Disabilities
(619) 557-5205

LIBRARY

- U.S. Courts Library
(619) 557-5066

RELATED AGENCIES

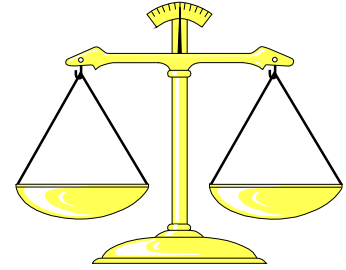
- U.S. Bankruptcy Court
Jacob Weinberger U.S. Courthouse
325 West "F" Street
San Diego, CA. 92101-6991
(619) 557-5620
- U.S. Attorney's Office
880 Front Street, Suite 6293
San Diego, CA. 92101-8893
(619) 557-5610
- Federal Defenders, Inc.
225 Broadway, Suite 900
San Diego, CA. 92101-5008
(619) 234-8467
- U.S. Probation Office
101 West Broadway, Suite 700
San Diego, CA. 92101
(619) 557-6650
- U.S. Marshal's Office
940 Front Street, Suite B150
San Diego, CA. 92101
(619) 557-6620
- U.S. Pretrial Services
101 W. Broadway, Suite 505
San Diego, CA. 92101
(619) 557-5738

CLERK'S OFFICE GENERAL PROCEDURES

LOCATION OF FILES AND DOCKETS

All cases have distinctive numbers in the following format:

- The first 2 numbers indicate the year the case was filed;
- followed by 2 letters that indicate the case type (cv = civil, cr = criminal, mg = magistrate, mc = misc);
- followed by an individualized four or five digit case number.
- Civil and criminal case numbers also indicate the judge assignment by following the case number with a hyphen and the initial(s) of the district judge assigned. Magistrate and miscellaneous case numbers do not indicate judge assignment.
- Civil case numbers also indicate the magistrate assignment by following the district judge initial(s) with the initial(s) of the magistrate judge in parenthesis.



For Example:

The first civil action number in 2006 was 06cv0001-IEG (NLS).

The first criminal action number in 2006 was 06cr0001-IEG.

The first magistrate case number in 2006 was 06mg0001.

The first misc case number in 2006 was 06mc0001.

All open cases or cases on appeal are maintained in the Clerk's Office. Closed cases are kept locally as long as storage space permits. As local space becomes unavailable, closed cases are transferred to the National Archives and Records Administration (NARA) in Laguna Niguel, CA, where they may be reviewed by the public. To receive information about reviewing cases at NARA, call Clerk's Office File Review (619) 557-7362. If you then plan to visit NARA to review a file, call NARA at (949) 360-2628.

FEES OF THE U.S. DISTRICT COURT - 28 USC § 1914 and Local Rule 4.5

Ordinary Civil Filing	\$350.00
State Habeas Corpus Filing	\$5.00
Notice of Appeal (including joint notices)	\$455.00
Appeal to District Court from Judgment and Commitment in Misd Case	\$32.00
Naturalization	
Declaration of Intention	\$70.00
Petition	\$70.00
Repatriation	\$1.00
Miscellaneous	
Filing and Indexing Any Paper Not Part of a USDC, So CA Case	\$39.00
Registration of Judgments	\$39.00
Petition to Perpetuate Testimony	\$39.00
Filing Power of Attorney	\$39.00
Letters Rogatory	\$39.00
Letters of Request	\$39.00
Filing Papers by Trustee under 28 USC 754	\$39.00
Notice of Taking Deposition in Case from Another District	\$39.00
Photocopy by Clerk's Office (not including certification) (per page)	\$50
Printing document on-site from public computer terminal (per page)	\$10
Filing Request for Certifying Results of Search	\$26.00
Abstract of Judgment (\$5 for abstract, \$20 for search)	\$31.00
Certifying Any Document on File (each certificate)	\$9.00
Exemplifications	\$18.00
Admission to Practice	\$180.00
Pro Hac Vice (paid only once)	\$180.00
Duplicate Certificate of Admission	\$15.00
Certificate of Good Standing	\$15.00
Copies of Court Opinions (per page, \$2.00 minimum)	\$25
Reproduction of Magnetic Tape Recordings	\$26.00
Microfiche Sheet of Film or Microfilm Jacket	\$5.00
Retrieval of Record from NARA or Other Storage Location	\$45.00
Check Returned for Insufficient Funds	\$45.00
Local Rules (per copy)	\$3.00
Filing Action Under Title II of the Cuban Liberty & Democratic	
Solidarity Act of 1996 (in addition to filing fee)	\$5,431.00
Transcribing Record by Court Employee	Rates as Established by Official Court Reporters
WebPACER is available at a fee of \$.07 per page viewed.	

Acceptable forms of payment are cash, personal check (except for material witness and cash bonds), cashier's check, law firm check, money order, VISA or MasterCard. All checks are to be made payable to "Clerk, U.S. District Court".

An order from the court is necessary to withdraw any monies deposited with the court.

WEB PUBLIC ACCESS TO COURT ELECTRONIC RECORDS (WebPACER)

Docket sheets and party indexes are available on the Internet via Web Public Access to Court Electronic Records (WebPACER) System at <http://pacer.casd.uscourts.gov>. For information concerning WebPACER access, contact the Pacer Service Center in San Antonio, Texas at 1-800-676-6856 or <http://pacer.psc.uscourts.gov>. New users can register for WebPACER at <http://www.pacer.psc.uscourts.gov>.

WebCHASER

WebCHASER enables users to review filed documents electronically in the Clerk's Office lobby. With knowledge of the case number, the user can prompt a computer to display scanned images of case files, thus minimizing the need for paper file review. The Clerk's Office prefers that documents filed on or after July 1, 1996 be reviewed via WebCHASER as opposed to pulling a file from the shelf.

SEARCHING FOR CASES WHEN CASE NUMBER IS UNKNOWN

WebPACER/WebCHASER

All records in the Clerk's Office are filed and retrieved by case number. If the case number is unknown, WebPACER or WebCHASER can be searched to identify the case number for a given plaintiff or defendant. Criminal cases filed in or after July 1991 and civil cases filed in or after May 1989 can be researched via WebPACER on the Internet and via WebCHASER in the Clerk's Office lobby.

MICROFICHE AND CARD FILES

Complete indexes of all participants in federal cases from 1962 to 1995 are available in card files located in the File Retrieval Room of the Clerk's Office Lobby or on microfiche in the Clerk's Office Lobby. The following table describes the type of participant index that should be searched depending on case filing year.

The Clerk's Office makes WebCHASER, microfiche, and card files available to the public Monday through Friday from 8:30 a.m. to 4:30 p.m. (excluding federal holidays). The Clerk's Office can perform party name searches at a charge of \$15 per name.

CASE FILING YEAR	PARTICIPANT INDEX TYPE
1953 - 1966	Microfiche
1966 - 1974	Microfiche
1974 - 1995	Microfiche*

* Some of the cases listed on Microfiche will also be available in WebPACER and WebCHASER.

LOCAL RULES (LR)

The Local Rules of Practice are divided into two parts: civil and criminal. Civil rules may be cited as “CivLR ___”; criminal rules may be cited as “CrimLR ___.” Rules covering admiralty and habeas corpus proceedings may be cited as A.1-E.1; and HC.1, HC.2, *et seq.*

Copies of the Local Rules are available in the Clerk’s Office lobby, cashier window, for \$3.00. Local Rules can also be obtained by mailing \$3.00 to Clerk’s Office, U.S. District Court, Southern District of CA, 880 Front Street, Suite 4290, San Diego, CA 92101-8900 with a 9.5” x 12” self addressed envelope with \$2.00 postage. Local Rules can also be obtained on-line at <http://www.casd.uscourts.gov>.

REQUEST FOR REPRODUCTION OF DOCUMENTS

A public computer terminal is available in the Clerk’s Office lobby that can provide copies at the reduced cost of \$0.10 per page. The fee for Clerk’s Office staff making copies is \$.50 per page. You will be asked to complete a Request for Copies form which calls for case number, case title, document file date, and docket number. Please utilize WebCHASER and/or WebPACER to determine this information. The form must be completed in its entirety in order to process the request.

ATTORNEY ADMISSION TO PRACTICE (CivLR 83.3)

An original completed "Petition for Admission to Practice" form and a check for \$180.00 shall be submitted. Forms are available on-line at <http://www.casd.uscourts.gov>. If in proper form, a Certificate of Admission will be forwarded in the mail, with a copy of the Local Rules. You are authorized to practice the day the fee is paid. Applicants must be a member of the CA State Bar.

PRO HAC VICE (CivLR 83.3(c)(5))

An attorney not eligible for admission under CivLR 83.5(c), but a member in good standing of any U.S. court bar, or the highest court of any state or territory, may file a written application to appear pro hac vice, along with an \$180.00 one-time filing fee and a pro hac vice admission card. Forms are available on-line at <http://www.casd.uscourts.gov>. An attorney appearing pro hac vice cannot reside in California, be regularly employed in California, or be regularly engaged in professional or other activities in California. Local counsel must be designated.

FAX IN TIME

Members of the bar and *pro se* litigants with facsimile access can save valuable time by receiving orders, judgments, and notices issued by the Clerk's Office via fax. Faxes are sent to an authorized fax number in lieu of sending a copy via U.S. Mail. The Clerk's Office maintains a report that confirms receipt of the document. If the clerk is unable to confirm electronic transmission, a copy will be mailed the following business day. In order to participate in FAX IN TIME, submit an "Authorization to Send Orders and Judgments by Facsimile Transmission," which can be obtained from the Clerk's Office and on-line at <http://www.casd.uscourts.gov>, or include the fax number on the "Petition for Admission to Practice" form.

CHANGE OF ADDRESS/FACSIMILE NUMBER (CivLR 83.3(e))

When a law firm changes its address/fax number or an attorney changes firm/address/fax number, the Clerk's Office must be notified in writing of the change, so that our address records remain accurate. Failure to officially notify the Clerk's Office will result in untimely or incomplete service of orders.

CHANGE OF ADDRESS BY *PRO SE* LITIGANT (CivLR 83.11(b))

A party proceeding *pro se* (i.e. without an attorney) must advise the court and opposing parties if his or her address changes. If a *pro se* plaintiff fails to notify the court that he or she has a new address, the court may dismiss the action without prejudice for failure to prosecute. In order to accurately maintain address records in the Clerk's Office, it is preferred that *pro se* litigants use their full name on the first pleading filed and on all subsequent pleadings.

TRANSCRIPTS

Orders for transcripts should be directed to the court reporter/recorder present at the proceedings. To determine which court reporter/recorder was present, review the minute order in WebCHASER or in the file, query WebPACER, or contact the judge's courtroom deputy by dialing (619) 557-5600. Orders for transcripts produced by electronic sound recording in a magistrate judge's courtroom should be directed to the Court Reporter Coordinator, at 880 Front Street, Suite 4290, San Diego, CA 92101-8900.

EXHIBITS (CivLR 5.1(e))

Except where compliance is impracticable, exhibits are to be paged in consecutive numerical order, and each page is to show the exhibit number either immediately above or below the page number. Unless the physical nature of the exhibit renders it impracticable, exhibits are to be attached to the documents to which they belong and are to be readable without detaching the exhibit from the accompanying document. Each document containing exhibits must have a cover page to the exhibits and a table of contents indicating the page number of each succeeding exhibit. If exhibits are tabbed, the tabs must be at the bottom and not at the sides.

MOTION DAYS

Motions are heard on Mondays. If Monday is a federal holiday, the succeeding Tuesday will be that week's motion day. Call the law clerk of the judge assigned to the case before filing a noticed civil motion (CivLR 7.1(b)(1)), or the courtroom deputy for a noticed criminal motion, to obtain a hearing date.

FACSIMILE TRANSMISSION OF PLEADINGS (CivLR 5.3)

Fax filing is permitted only when faxed to a filing agency who then files the pleadings transmitted via fax on behalf of the parties or their counsel. **No documents are to be faxed directly to the Clerk's Office. Any documents so received will be rejected in lieu of filing.** Documents are only considered filed when submitted to the Clerk's Office by the fax filing agency.

AFTER-HOURS DROP BOX

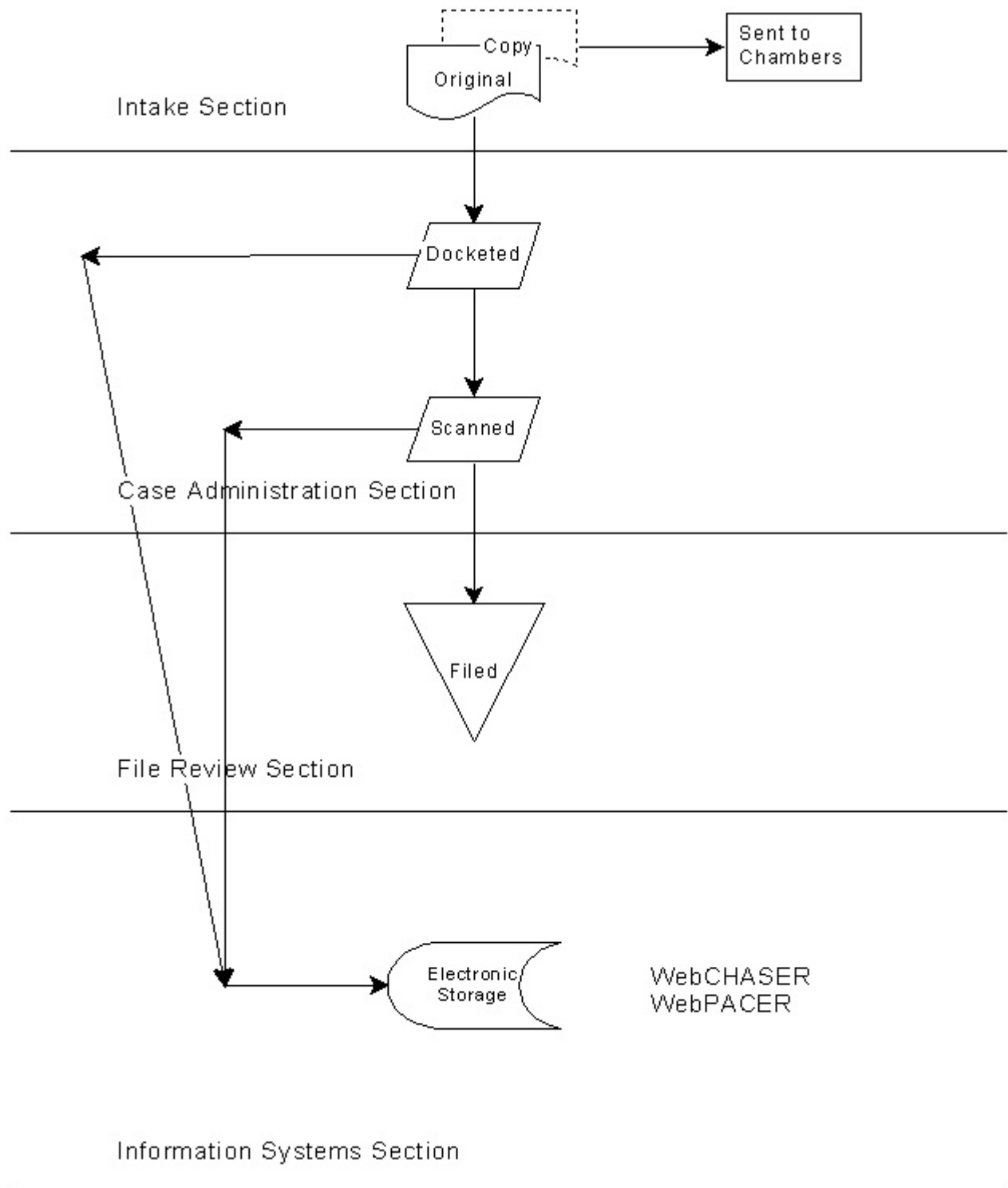
An after-hours drop box is located on the 4th floor of the Federal Building at 880 Front Street, outside Room 4290. The drop box is available from 4:00 p.m. to 6:00 p.m., Monday through Friday. Documents dropped will be filed the same day. All dropped documents must be in a sealed envelope with a self-addressed stamped envelope if conformed copies are requested.

APPOINTMENT OF COUNSEL

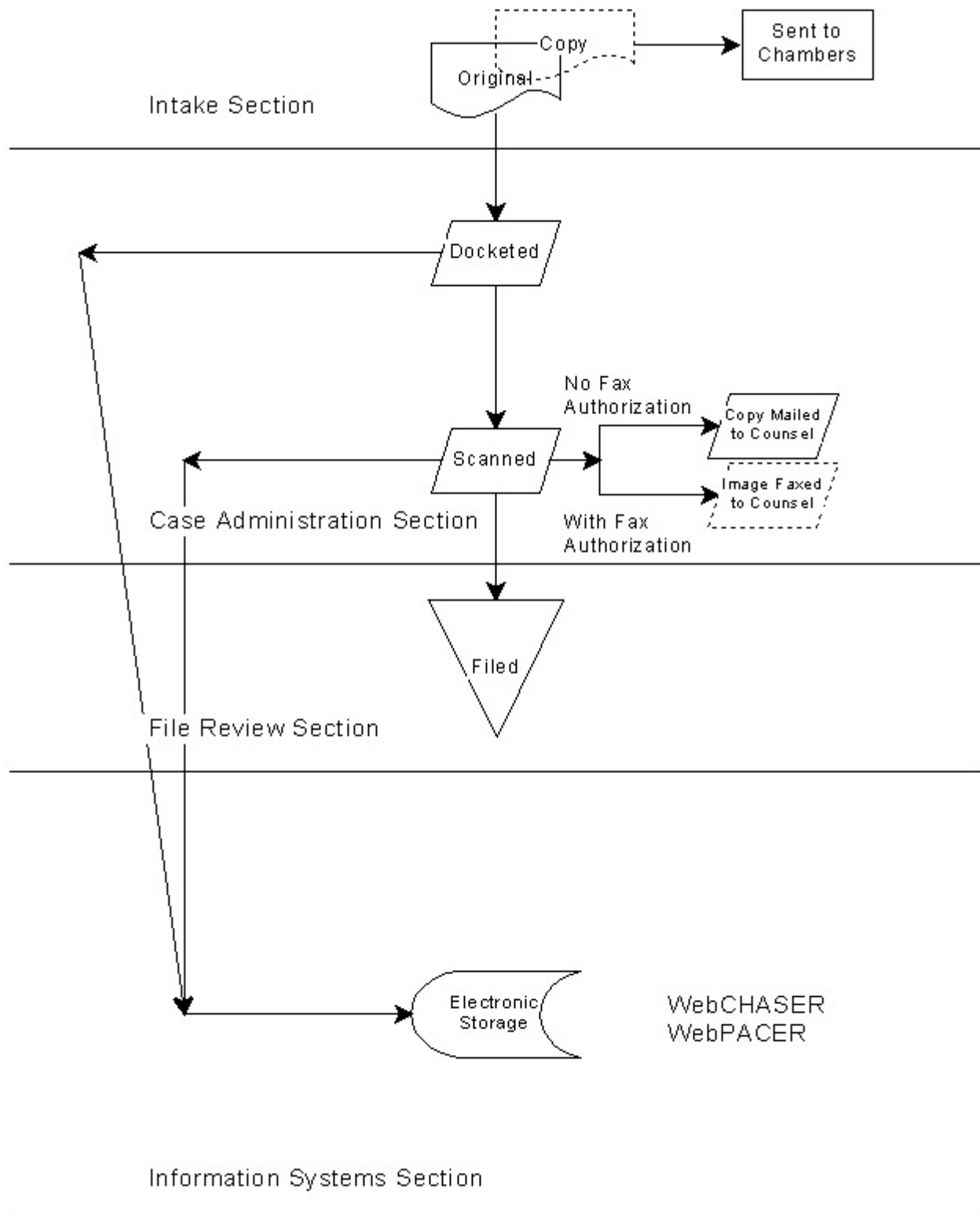
The CJA Panel consists of attorneys who are eligible and willing to be appointed to provide representation under the Criminal Justice Act. Admission requirements are specified in General Order 405A. Applications for panel members are accepted yearly between June and November. The Clerk's Office will post a notice when applications are being accepted. Applications can be retrieved on-line at <http://www.casd.uscourts.gov> and outside the cashier window of the Clerk's Office lobby. Completed applications must be returned to the cashier window of the Clerk's Office by the specified filing deadline. Applications that are not timely received will not be considered for the panel. The list of panel participants is revised each year in November by a committee of judges. See Attachment C for CJA payment information.

* * * * *

Incoming Pleadings, Motions Paper Flow Chart for the Southern District of California (Assuming Compliance with CivLR 5.1)



Distribution of Signed Orders Paper Flow Chart for the Southern District of California



GENERAL FILING PROCEDURES

FORMAT FOR FILINGS

Paper Size: All pleadings must be on letter size paper (8½" X 11") (CivLR 5.1(a)).

Form: Pleadings must be double-spaced on one side of line numbered paper (CivLR 5.1(a)).

Case Numbering: The typed case number must appear on the lower right corner of each page, below line 28, excluding the title page of each document and all pages of a case opening document (CivLR 5.1(b)).

Pre-punching and Attachments: All documents submitted for filing or lodging must be pre-punched with two holes (approximately ¼" in diameter), centered 2¾" apart, ½" to ⅝" from the top of the document (CivLR 5.1(d)).

Copies Required: The amount of copies required for filing depends upon the case type and document type. See table below.

Case Type	Pleading Type	Local Rule	Copies Required
cv	General Pleadings	CivLR 5.1(i)(1)	Original + 1
cv	Substitutions of Attorney	CivLR 5.1(i)(5)	Original + 2
cv	Consolidated Matter Pleadings	CivLR 5.1(i)(3)	Original + 1 *
cv	Motions to Proceed in <i>Forma Pauperis</i>	CivLR 5.1(i)(1)	Original + 1
cv	Prisoner Habeas Petitions	HC.3(e)	Original + 3
cr	Non-Sentencing Pleadings	CrimLR 47.1(b)(1)	Original + 2
cr	Sentencing Pleadings		Original + 3
cr	28:2255 Motions to Vacate Sentence	CrimLR 47.1(b)(1)	Original + 2

* In consolidated matters, an original and one copy must be filed in the low-numbered case (lead case). The case number of each consolidated case shall appear on each pleading following the lead case number (CivLR 5.1(i)(3)).

STYLE OF COMPLAINT, REMOVAL, AND SUBSEQUENT PLEADINGS:

- Name of filing attorney or *pro se* litigant, bar number, address, and phone number (fax number optional) must be listed in the upper left corner of the document, beginning on line 1 (CivLR 5.1(j)(1)).
- The title of the court is to begin at or below line 8 of the first page (CivLR 5.1(j)(2)).
- Below and to the left of the court title, the name of the title of the action is to be inserted (CivLR 5.1(j)(3)). Please note that "et al." is not acceptable in the case caption of the complaint or petition for removal. Name of first plaintiff et al. verses name of first defendant et al. is acceptable for subsequent pleadings (FRCP 10(a)).
- The nature of the document is to appear below the case number to the right of the case caption (CivLR 5.1(j)(3)) on subsequent pleadings.

<div style="display: flex; justify-content: space-around; margin-bottom: 10px;"> <div style="text-align: center;">○</div> <div style="text-align: center;">○</div> </div> <p>Iman Attorney, CA Bar No. 99999 Winsom and Losom 222 Main Street San Diego, CA 92109</p> <p style="text-align: center; font-weight: bold;">UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA</p> <p>PLAINTIFF(S) (List all)</p> <p style="text-align: center;">v.</p> <p>DEFENDANT(S) (List all)</p>	
	<p>CV No. 06cv0001-IEG(NLS)</p> <p>COMPLAINT, JURY DEMAND</p>

SIGNATURE BLOCK:

- Each attorney or *pro se* litigant must sign the last page of the pleading. Signature name is to be typed below the signature, followed by party affiliation (CivLR 5.1(j)(4)).

Respectfully submitted:

John Smith,
Attorney for plaintiff Acme
Transportation, Inc.

STYLE OF MOTIONS AND SENTENCING DOCUMENTS:

- CivLR 7.1(f)(1) requires that all written motions be noticed and accompanied by a separate “Memorandum of Points and Authorities in support of [the motion]”. The clerk prefers filers to combine the notice of motion with the motion itself.
- The noticed hearing date and time is to appear on page 1 of each motion, supporting documents, opposition, and reply. It is to appear below the nature of the document to the right of the case caption (CivLR 5.1(j)(4)).
- Sentencing documents must reference the sentence date on page 1 of each document below the nature of the document to the right of the case caption (CrimLR 32.1(a)(11)).

○ ○
Iman Attorney, CA Bar No. 99999
Winsom and Losom
222 Main Street
San Diego, CA 92109

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

First Plaintiff
et al.

v.

CV No. 00cv0006-IEG(NLS)

First Defendant
et al.

Notice of Motion and Motion
for Dismissal of Action

September 11, 2000 at 10:30 a.m.

CERTIFICATE OF SERVICE: (CivLR 5.2)

- Every pleading, brief, or memorandum filed must include a certificate of service stating that copies have been served on all parties or their attorneys.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was this date served upon all counsel of record by placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address as follows:

Mr. Tim Smith
Attorney At Law
456 Main St.
Anywhere, CA 70001

Ms. Ann Jones
Attorney At Law
789 Main St.
Anywhere, CA 70001

San Diego, CA this ____ day of _____, 20__.

Service Agent
Party Represented

STIPULATIONS (CivLR 7.2(b)):

- Stipulations are to be closed with “ORDER.” Below the heading shall be the sum and substance of the stipulation contents. Blank lines are to be provided for the signature date and the judge’s signature, below which the words “Judge of the District Court” or “Magistrate Judge of the District Court” are to appear.

ORDER

It is ordered, that pursuant to CivLR 12.1, Tim Jones’s response to the Third Party Complaint filed by Tom Smith shall be filed on or before 9/1/06.

Date

Judge of the District Court

ADDITIONAL FILING INFORMATION:

Where to File: All pleadings including copies for the judge must be filed with the Clerk's Office. This is done to prevent confusion. Even if it is an emergency, or something the judge is expecting, the document should be filed with the clerk, unless the judge has given authorization for direct delivery. In an emergency, chambers will be contacted regarding document filing.

California State Bar Number: The bar number is to be included on cover page of each pleading, following the filing attorney’s name (CivLR 5.1(j)(1)).

Notice of Return of Pleadings: Pursuant to FRCP 5(e), “The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices.” The Clerk's Office, however, does inspect papers for such deficiencies which are then brought to the attention of the judge. The assigned judge in the case may then direct the clerk to reject for filing any deficient pleading and direct the filer to correct any deficiency(s).

Assignment of Judges: The Clerk's Office has no discretion in the assignment of cases (CivLR 40.1(a)). Judges are assigned by random draw.

FILING REQUIREMENTS IN SPECIFIC CIVIL MATTERS

COMPLAINT AGAINST A PRIVATE PERSON OR CORPORATION: FRCP 4

Complaint: Original and one copy for the court.

Civil Cover Sheet: A Civil Cover Sheet Form JS 44 (Attachment D) must accompany the complaint (CivLR 3.1). Only one civil cover sheet is required by the clerk.

Waiver of Service: Waiver of Service may be used in lieu of issuing summons in order to save service costs (FRCP 4(d)). Two official forms have been devised to implement the procedure for waiver of service. These forms are provided in Attachments E and F. The plaintiff will send to the defendant the notice of commencement of action and a request for waiver of service. The defendant signs the waiver of service and returns it to plaintiff. The plaintiff will file the waiver with the clerk. Upon filing of waiver, the action proceeds.

Summons: Preparation and service of the summons is the responsibility of the plaintiff (CivLR 4.1). Original plus two copies are to be submitted to the clerk (Attachment G). The clerk will sign one original, and conform two copies. One conformed copy will be kept by the clerk for the official record. The second conformed copy can be duplicated for service upon each defendant. The original is returned to the clerk with service information. In situations which require the U.S. Marshal to perform service, it is the plaintiff's responsibility to provide the Marshal with service instructions, defendant address, and capacity in which service is to be made (official or individual) (CivLR 4.1(c)).

Service on Foreign Countries: When service is to be effected outside a judicial district of the United States, the methods of service appropriate under an applicable treaty or international agreement shall be employed, if available (FRCP 4(f)). Counsel shall investigate methods of service.

Filing Fee: \$350.00 or motion to proceed in *forma pauperis* (available in Clerk's Office and at <http://www.casd.uscourts.gov>).

SUITS INVOLVING THE USA: FRCP 4(i)

Complaint: Original and one copy for the court.

Civil Cover Sheet: Original.

Summons: Preparation and service of the summons is the responsibility of the plaintiff (CivLR 4.1). Original plus two copies are to be submitted to the clerk (Attachment G). The clerk will sign one original, and conform two copies. One conformed copy will be kept by the clerk for the official record. The second conformed copy can be duplicated for service upon each defendant. The original is returned to the clerk with service information. In situations which require the U.S. Marshal to perform service, it is the plaintiff's responsibility to provide the Marshal with service instructions, defendant address, and capacity in which service is to be made (official or individual) (CivLR 4.1(c)).

Filing Fee: \$350.00 or motion to proceed in *forma pauperis* (available in Clerk's Office and at <http://www.casd.uscourts.gov>).

U.S. Attorney General Requires: Copy of the complaint and summons.

U.S. Attorney Needs: Copy of the complaint and summons.

Agency Being Served Needs: Copy of the complaint and summons.

REMOVAL OF CASE FROM STATE COURT: 28 USC § 1446

Notice of Removal: Original and one copy for the court, with letter-sized copy of state court pleadings attached. Pursuant to 28 USC § 1446, notice of removal will be filed together with a copy of all process, pleadings, and orders served upon defendant(s) in the action. Original plus one copy of each pleading is required for filing.

Civil Cover Sheet: Original.

Summons: Service of process may be completed or a new process may be issued in the district court after filing notice of removal, if defendant(s) has yet to be served (28 USC § 1448).

Notice of Filing: Not required, although it will be accepted for filing, if available.

Filing Fee: \$350.00 or motion to proceed in *forma pauperis* (available in Clerk's Office and at <http://www.casd.uscourts.gov>).

SEIZURES: 28 USC § 1356

Complaint: Original and one copy for court.

Civil Cover Sheet: Original.

Summons: Preparation and service of the summons is the responsibility of the plaintiff (CivLR 4.1). Summons to be issued for non-seizure items only. Original plus two copies are to be submitted to the clerk (Attachment G). The clerk will sign one original, and conform two copies. One conformed copy will be kept by the clerk for the official record. The second conformed copy can be duplicated for service upon each defendant. The original is returned to the clerk with service information. In situations which require the U.S. Marshal to perform service, it is the plaintiff's responsibility to provide the Marshal with service instructions, defendant address, and capacity in which service is to be made (official or individual) (CivLR 4.1(c)).

Application to Substitute Custodian and Application for Arrest: Original and one copy for court. Substitution of custodian not required, but will be accepted for filing, if presented.

Bond: Original and one copy of a \$250.00 cash or surety bond for stipulation for costs.

Substitute Custodian and Warrant Authorization Order: An order signed by the judge designating a keeper of the property and allowing issuance of warrant.

Warrant of Arrest: A warrant of arrest for each item to be seized and a certified copy of order for U.S. Marshal's Office. Signed and distributed by clerk.

Marshal's Form: An original of the U.S. Marshal Form 285 is required for each service.

Filing Fee: \$350.00 or motion to proceed in *forma pauperis* (available in Clerk's Office and at <http://www.casd.uscourts.gov>).

Contact the U.S. Marshal's Office for any additional fees that its office may have in connection with a seizure.

COMPLAINT FOR WARRANT FOR ARREST IN ACTION IN REM OF A MARINE VESSEL: FRCP RC & RE

Complaint: Original and one copy for the court.

Civil Cover Sheet: Original.

Summons: Preparation and service of the summons is the responsibility of the plaintiff (CivLR 4.1). Summons to be issued for non-vessel defendants only. Original plus two copies are to be submitted to the clerk (Attachment G). The clerk will sign one original, and conform two copies. One conformed copy will be kept by the clerk for the official record. The second conformed copy can be duplicated for service upon each defendant. The original is returned to the clerk with service information. In situations which require the U.S. Marshal to perform service, it is the plaintiff's responsibility to provide the Marshal with service instructions, defendant address, and capacity in which service is to be made (official or individual) (CivLR 4.1(c)).

Application to Substitute Custodian and Application for Arrest: Original and one copy for court. Substitution of custodian not required, but will be accepted for filing, if presented.

Bond: May be ordered by court.

Substitute Custodian and Warrant Authorization Order: An order signed by the judge designating a keeper of the property and allowing issuance of warrant.

Warrant of Arrest: A warrant of arrest for each vessel to be seized and a certified copy of the order for U.S. Marshal's Office. Prepared, signed and distributed by clerk.

Marshal's Form: An original U.S. Marshal Form 285 is required for each service.

Filing Fee: \$350.00 or motion to proceed in *forma pauperis* (available in Clerk's Office and at <http://www.casd.uscourts.gov>).

Contact the U.S. Marshal's Office for any additional fees in connection with a seizure.

REGISTRATION OF JUDGMENT FROM ANOTHER DISTRICT (incoming):
28 USC § 1963

Judgment: A certified copy of the judgment from the other district court.

Form AO 451: “Certification of Judgment for Registration in Another District” from the other district (Attachment H).

Filing Fee: \$39.00 or motion to proceed in *forma pauperis* (available in Clerk’s Office and at <http://www.casd.uscourts.gov>).

APPEALS: FEDERAL RULES OF APPELLATE PROCEDURE 25 (hereinafter referred to as FRAP)

Notice of Appeal: Original filed with the district court. Copies will be forwarded to the appeals court and the district court judge.

Filing Fee: \$455.00, paid to the district court, or a motion to proceed in *forma pauperis* (IFP) on appeal (available in Clerk’s Office and at <http://www.casd.uscourts.gov>). If IFP status was previously granted in case being appealed, a new IFP motion is not required.

Transcript designation forms can be obtained from the clerk.

Designations of record should be directed to the appeals court.

INMATE FILINGS:

42 USC § 1983 (Civil Rights), 28 USC § 2254 (State Habeas Corpus), and 28 USC § 2255 (Federal Habeas Corpus) forms may be obtained from the Clerk's Office, at <http://www.casd.uscourts.gov>, or from the prison law library. Prisoners who desire to proceed in *forma pauperis* must submit a prison trust account statement for the six months immediately preceding the filing of the action (28 USC § 1915(a)(2)). This statement can be obtained from the prison trust accounting office. Motions to proceed in *forma pauperis* can be obtained from the prison library, at <http://www.casd.uscourts.gov>, or from the clerk when requested in writing at 880 Front Street, Suite 4290, San Diego, CA 92101-8900. There is no filing fee for 28 USC § 2255 motions.

HABEAS CORPUS:

Litigants proceeding with or without an attorney who wish to file a habeas corpus petition challenging their conviction or sentence, may receive a copy of this court's habeas manual, which is entitled: *PRO SE HABEAS CORPUS HANDBOOK: A Manual For State Prisoners Filing a Federal Habeas Corpus Petition Attacking a State Conviction or Sentence Pursuant to 28 U.S.C. § 2254, or § 2241*. The manual is available in the Clerk's Office, California prison law libraries, and on-line at <http://www.casd.uscourts.gov>.

* * * * *

SUBSEQUENT MATTERS

AMENDED COMPLAINT: FRCP 15

Complaint: Original and one copy for the court.

Summons: Summons to be issued as to newly added defendants only. Original plus two copies are to be submitted to the clerk (Attachment G). The clerk will sign one original, and conform two copies. One conformed copy will be kept by the clerk for the official record. The second conformed copy can be duplicated for service upon each newly added defendant. (If no additional defendants are added, the existing defendants must be served a copy of the amended complaint, but no summons is required if parties previously served original complaint.)

Filing Fee: None.

Note: An amended complaint can be accepted only if no responsive pleading has been filed. If a response has been filed, the movant must file a noticed motion to amend the complaint or submit a stipulation of movant and adverse party agreeing to the filing of amended complaint. See below for motion filing practice, followed by motion argument information.

DEPOSITION: FRCP 45

Subpoena: Attorneys may issue and sign a subpoena on behalf of a court in which the attorney is authorized to practice or a court in the district in which the deposition or production is compelled by the subpoena (Attachment I) (FRCP 45(a)(3)).

Notice of Taking Deposition: Not required, but will be accepted for filing, if presented.

Witness Fees: Contact the U.S. Marshal for current rates.

Filing Fee: None.

MOTION FILING PRACTICE: CivLR 7.1 and CrimLR 47.1

Motion filing in civil cases adheres to a rigid time schedule as follows:

Civil Document	No. Of Days Due- Prior to Hearing Date	CivLR
Notice of Motion & Motion, t/w Supporting Docs	28 Calendar	7.1(e)(1)
Opposition	14 Calendar	7.1(e)(2)
Reply	5 Court	7.1(e)(3)

Applications for orders shortening time shall be submitted ex parte, accompanied by a proposed order, and be served on all opposing parties (CivLR 7.1(e)(6)).

Criminal Document	No. Of Days Due - Prior to Hearing Date	CrimLR
Notice of Motion & Motion, t/w Supporting Docs	14 Calendar	47.1(b)(1)
Opposition	7 Calendar	47.1(c)

MOTION ARGUMENT: CivLR 7.1

A party can submit a motion for decision based solely on the pleadings and without oral argument upon approval of the court. The statement “Oral Argument Not Required” is to be placed below the nature of the document, or the noticed hearing date if applicable. Opposing parties can indicate a willingness to waive oral argument by similarly including the same statement. If either party indicates such a willingness, the adverse party must promptly call the law clerk of the assigned judge and indicate whether or not there is concurrence (CivLR 7.1(d)(2)(a)-(c)). The court can also determine that no oral argument will be heard, at their own discretion.

MOTION FOR SANCTIONS: FRCP 11

FRCP 11 requires sanction motions be separate from other motions/requests. They must clearly describe the conduct that violates FRCP 11(b).

DEFAULT JUDGMENT: FRCP 55

The procedure for filing a default judgment is to first file a request for clerk’s entry of default, together with an affidavit regarding service of process, if not already on file (FRCP 55(a)). If the defendant has been properly served and no responsive pleading has been filed, a clerk’s entry of default may be signed. Upon filing of a clerk’s entry of default, a motion for default judgment and a proposed judgment should be filed with the Clerk's Office to be submitted to the judge (FRCP 55(b)(2)). The clerk is authorized to issue default judgments for a sum certain if the defendant has been defaulted for failure to appear (FRCP 55(b)(1)).

POST-JUDGMENT INSTRUMENTS

RELEASE OF VESSEL: 28 USC § 2464

A seized vessel can be released only with a signed order from the court or by stipulation of the parties. If a party wishes to have a bond returned at the time of vessel release, a separate motion and order are needed.

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT (outgoing): 28 USC § 1963

AO Form 451: There is no fee for the preparation of AO Form 451 which will accompany the certified copy of the judgment from our court to be registered in another district (Attachment H).

Copy Fee: Fee of \$.50 per page for the reproduction of the judgment if copy work performed by court personnel.

Certification Fee: Fee of \$9.00 for the certification of the judgment, made payable to the clerk.

Filing Fee: None.

WRIT OF EXECUTION: FRCP 69

Writ: Original and 4 copies.

Affidavit: Original and 2 copies.

Marshal's Form: Service is governed by FRCP 4 and 69. If the U.S. Marshal effects service, the Form 285 must accompany the Writ of Execution. If service is effectuated by the sheriff pursuant to state law, the sheriff's procedures should be followed.

Filing Fee: None.

Note: The writ can only be issued a minimum of 10 days after entry of judgment unless otherwise ordered by the court. If a notice of appeal has been filed and a supersedeas bond posted, the writ may not be issued.

* * * * *

ATTACHMENTS

Attachment A
(Attachment A unavailable via Internet)

Attachment B
(Attachment B unavailable via Internet)

Payment of Appointed Counsel in Criminal CJA Cases

Criminal Justice Act attorneys are notified of appointments telephonically by the Clerk's Office or by the court within 24 hours of appointment. Copies of charging document bearing the CJA stamp and order setting conditions of release are provided to CJA attorneys at the Intake filing windows. The completed voucher, together with a copy of the charging document bearing CJA stamp, is returned to the cashier window in the Clerk's Office.

As CJA attorneys become aware of imminent unavailability to accept appointments, the clerk is to be notified.

To ensure prompt payment, counsel should verify the following information:

1. Have limits for the type of claim been exceeded? If so, is the authorization for excess attached?
2. Is Line 16 completed? Social Security Number is required by 26 USC § 6109(a)(2) and 26 CFR § 301.61091(c).
3. If Line 19 exceeds \$50.00, are supporting documents included?
4. Is Line 21 answered entirely? Dates covered by the voucher must be listed. Final or interim payment also must be indicated. Voucher must be signed and dated by attorney.
5. Are the mathematical calculations correct?
6. Is time calculated in tenths of an hour?
7. Please direct voucher questions to the CJA Voucher Clerk at 557-6410.

Attachment C



CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS	DEFENDANTS
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)	COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED	
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)																								
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)																								
	<table><tr><td></td><td>PT</td><td>DEF</td><td></td><td>PT</td><td>DEF</td></tr><tr><td>Citizen of This State</td><td><input type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in This State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></table>		PT	DEF		PT	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PT	DEF		PT	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Eiectmant	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prisoner Conditions			

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)						
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removal from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23	DEMAND \$	Check YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> YES <input type="checkbox"/> NO
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VIII. RELATED CASE(S) IF ANY (See Instructions):	JUDGE	Docket Number
DATE	SIGNATURE OF ATTORNEY OF RECORD	

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should completed the form as follows:

I.(a) Plaintiffs - Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved).

(c) Attorneys. Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place the "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an X in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate's decision.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Attachment E
(Attachment E unavailable via Internet)

Attachment F
(Attachment F unavailable via Internet)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

vs

SUMMONS IN A CIVIL ACTION

Case No.

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

An answer to the complaint which is herewith served upon you, within ____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

DATE

By Deputy Clerk

RETURN OF SERVICE				
Service of the Summons and Complaint was made by me			DATE	
NAME OF SERVER			TITLE	
Check one box below to indicate appropriate method of service				
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px; text-align: center;"> <input style="width: 40px; height: 20px; border: 1px solid black;" type="checkbox"/> </div> <div> Served personally upon the defendant. Place where served: _____ _____ </div> </div>				
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px; text-align: center;"> <input style="width: 40px; height: 20px; border: 1px solid black;" type="checkbox"/> </div> <div> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein: Name of person with whom the summons and complaint were _____ _____ </div> </div>				
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px; text-align: center;"> <input style="width: 40px; height: 20px; border: 1px solid black;" type="checkbox"/> </div> <div> Return unexecuted: _____ _____ </div> </div>				
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px; text-align: center;"> <input style="width: 40px; height: 20px; border: 1px solid black;" type="checkbox"/> </div> <div> Other (specify): _____ _____ _____ </div> </div>				
STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL	
DECLARATION OF SERVER				
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.				
Executed on: _____				
Date		Signature of Server		
Address of Server				
<u>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</u>				
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OR ALL PARTIES ON FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u>				
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.				
JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.				

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

V.

CERTIFICATION OF JUDGMENT
FOR REGISTRATION IN ANOTHER
DISTRICT

Case Number:

I, W. Samuel Hamrick, Jr., Clerk of the United States District Court certify that the attached judgment is a true and correct copy of the original judgment entered in this action on [Enter Date], as it appears in the records of this court, and that

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

Date

W. Samuel Hamrick, Jr.

Clerk

By Deputy Clerk

Attachment I
(Attachment I unavailable via Internet)